

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Roger Browdy on 05/20/2011.

The application has been amended as follows:

Claims **90 and 91** have been cancelled.

### ***Reasons for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art does not teach a method of treating an ear disorder comprising the step of administering to the ear canal a pharmaceutical agent in the form of a foam. It also would not have been expected from the prior art's disclosures that the foam formulation would have shown clinically superior results compared to a drop formulation, because it is taught that in other formulations (topical, rectal, vaginal, etc) foam and comparable dosages have similar results. It was shown that a once-a-day treatment of a foam formulation comprising ciprofloxacin is better or as good as a twice –a-day dosing of a drop formulation. This was shown in the Declaration of Rodrigo Yelin, Exhibit B (filed 02/24/11).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINA HAGHIGHATIAN whose telephone number is (571)272-0615. The examiner can normally be reached on core office hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mina Haghightian/

Mina Haghightian  
Primary Examiner  
Art Unit 1616

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